

MT LEGISLATIVE HISTORY

Chapter 158 19 71

Bill H 475 S _____ *Ind.* Original bill & hist. C

H. Committee on *Affairs of Cities* S. Committee on *Const, Elect, Fed. Rel*

Hearing Date(s) _____ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

AFFAIRS OF CITIES COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
H.B. 441 Heller	An act to change the number of appointees made by the mayor of a city to the city-county planning board.	1/21	1/29		1/29	Do Not Pass	Killed
H.B. 465 Lanthorn Neely	An act to increase the minimum wage of police in first and second class cities.	1/21	2/3		2/9	Do Not Pass	Killed
H.B. 466 Brown	An act relating to the power of local incentive boards.	1/21		Referred from this Committee to the Education Committee			
H.B. 475 Cox	An act relating to election upon which concerns the creation of a public debt,	1/21		Referred from this Committee			
H.B. 487 McKittick Stenberg	An act providing city councils may assess costs of installing lights outside the city limits.	1/21	2/3		2/3	Do Pass	Governor's Office 3-4-71
H.B. 501 Fagg	An act to convert overhead electrical and communication facilities to underground.	1/21	2/8		2/8	Do Pass	Governor's Office 3-4-81

JUDICIARY COMMITTEE
42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 503	Pertains to commitment of mentally ill persons	2/1/71	2/6/71		2/9/71	DO PASS	KILLED
SB 4	Provides for rescission of contracts by buyers from door-to-door salesmen.	2/1/71	2/15/71		2/16/71	BE CONCURRED IN	GOVERNOR
HB 472	Relates to redemption of city, town, county, & school district bonds	2/1/71	2/9/71		2/9/71	DO PASS	KILLED
HB 475	Relates to elections upon question concerning creation of public liability	2/1/71	2/9/71		2/9/71	DO PASS	SIGNED BY GOVERNOR
SB 13	Provides period of 10 years within which action for damages must be commenced	2/3/71	2/16/71		2/16/71	BE CONCURRED IN	SIGNED BY GOVERNOR
SB 150	Provides that agreements entered into in Mont. purporting to change place are void	2/3/71	2/16/71		2/20/71	BE NOT CONCURRED IN	KILLED

EXECUTIVE SESSION

A motion was made to allow the student from Bozeman to stay during the executive session. Motion carried.

HOUSE BILL 453 Mr. Towe made a motion that sections 1 and 2 be deleted in their entirety and the following sections renumbered accordingly, and the title be amended accordingly. Motion carried. Mr. Hall moved that sections 3, 4 and 5 be deleted in their entirety. Mr. Towe made a substitute motion that the age 18 be stricken in sections 3, 4, and 5 and the material "voting as required by the Montana Constitution" be inserted in lieu thereof in these three sections. Motion carried. Mr. Hall withdrew his substitute motion. Mr. Towe gave a brief summary of the contents of this bill. Mr. Hemstad made a motion that House Bill 453 do not pass. Mr. Parrish made a substitute motion that House Bill 453 DO PASS AS AMENDED. Motion carried.

HOUSE BILL 452 Mr. Towe gave a summary of the contents of this bill. Mr. Towe made a motion to strike on page 20 line 13 the material "of the age of" and as SO AMENDED DO PASS. Motion carried.

HOUSE BILL 503 Mr. Scott moved to amend by striking section 5 in its entirety. Motion carried. Mr. Hall moved that this bill be passed for the day. Motion carried.

HOUSE BILL 472, 475, 15 Mr. Greely explained that he would have the witnesses here tomorrow for a hearing on these bills.

HOUSE BILL 480 A motion was made that House Bill 480 be tabled. Motion carried.

HOUSE BILL 31 Mr. Hall made a motion that House Bill 31 be amended by striking all of the bill after the enactment clause and amending as set forth in the mimeographed sheet as a substitute bill. He then went through the proposed amendments. Mr. Greely moved that the bill be passed for the day. Motion carried.

HOUSE BILL 307 Mr. Parrish moved that House Bill 307 DO NOT PASS. Motion carried.

HOUSE BILL 314 Mr. Parrish moved that House Bill 314 be amended on page 3, line 28 by striking the words "or collect" and on lines 29 and 30 by striking the material "or other persons responsible" and AS SO AMENDED DO PASS. Motion carried.

**February 9, 1971
JUDICIARY COMMITTEE**

The meeting was called to order in room 300 of the Capitol Building at 9 a.m. on Tuesday, February 9 with Chairman Jeffrey J. Scott presiding. All members were present.

HOUSE BILL 423

Representative Fagg gave an explanation of this bill, which relates to the sale or distribution of harmful materials to minors. He explained that this bill was referred to Judiciary Committee after having been in Public Health as there were some legal questions. He felt there should be some changes in this bill.

HOUSE BILL 293

Representative Greely gave an explanation of this bill which establishes a division of communications and records within the office of the attorney general and abolishes the Montana Law Enforcement Teletypewriter Communications Commission. Mr. Walter Hammermeister, representing the Sheriffs' and Peace Officers' Association, gave a statement in support of this bill. He felt that the board of directors should be left in the way it is now. There were no further witnesses and no questions were asked. The hearing on this bill was closed.

HOUSE BILL 369

Representative McNamer gave an explanation of this bill and the amendments proposed. Representative Harrison Fagg gave a statement in support of this bill, which is an act to levy a tax on all outdoor advertising signs. Mr. William Sternhager, representing the Montana Outdoor Advertising Association, Mr. John L. Peterson, representing the Montana Broadcasters Association, Mr. Eric Myhre, from the Montana Outdoor advertising Association, Mr. Dave Smith, representing the Montana Wool Growers Association, along with Mons Teigen from the Montana Stockgrowers Association, Mr. Jack Kinney and Mrs. Dorris Kinney from Kinney Signs, Helena, and Mr. C. Hartman Graham all gave statements in opposition to passage of this bill. Mr. Phil Gunn gave a statement also in opposition. Questions were asked and the hearing was closed.

HOUSE BILL 15, 472, 475

Representative Greely gave an explanation of these bills, which relate to the maximum rate of interest on bonds. He introduced Mr. Leo Graybill, Jr., who represents the Great Falls Airport Commission, who proposed some amendments to these bills. There were no further witnesses, no questions were asked and the hearing on these bills was closed.

HOUSE BILL 384

Representative Lucas gave an explanation of this bill, which he called the wire tap bill. He introduced some proposed amendments, and introduced Mr. Bruce Lanthorn, former F.B.I. agent, who gave a statement

in support of this bill. Mr. Jack Lynch appeared in support of this bill. There were no further witnesses, questions were asked, and the hearing on this bill was closed.

EXECUTIVE SESSION

HOUSE BILL 423 Mr. Greely moved that House Bill 423 DO NOT PASS. Considerable discussion ensued. Motion carried. Mr. Hall wanted it recorded that he voted against the motion, as did Representative Baeth.

HOUSE BILLS 15, 472, 475 Mr. Greely moved that these bills DO PASS AS AMENDED. Motion carried.
(See Standing Committee Reports for amendments.)

HOUSE BILL 31 Mr. Hall moved that House Bill 31 DO PASS AS AMENDED. Motion carried. See Standing Committee Report for amendments.

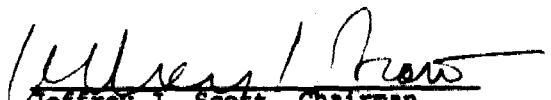
HOUSE BILL 293 Mr. Greely moved that House Bill 293 DO PASS AS AMENDED. Motion carried.
(See Standing Committee Report for amendments.)

HOUSE BILL 503 Mr. Mather moved that House Bill 503 do not pass. A division was called, and it was found that four voted for the motion and five against. Motion failed. Mr. Towe moved that House Bill 503 be amended and as SO AMENDED DO PASS. (See standing committee report.) Motion carried.

HOUSE BILL 384 Mr. Parrish moved that House Bill 384 do not pass. Mr. Greely made a substitute motion that House Bill 384 do pass. Mr. Hall moved that numerous amendments be made. His motion to amend failed. Mr. Towe made a substitute motion that this bill be laid on the table. A vote was taken on the motion, and five voted for and six against the motion. Motion failed. A vote was taken on the motion that the bill DO PASS AS AMENDED. Motion carried.

HOUSE BILL 369 Mr. Hall moved that House Bill 369 do pass as amended. Mr. Mather moved that this bill do not pass. A vote was taken, a division called, and it was found there were five voting for the motion and six voting against same. A vote was taken on the motion DO PASS AS AMENDED. Motion carried. See Standing Committee Report for amendments.

There being no further business to come before the committee, the meeting was adjourned.


Jeffrey J. Scott, Chairman


Alice Chang, Secretary

BILL NO.	ENTERED COMM.	OUT OF COMM.	COMMITTEE ON CONSTITUTIONS, ELECTIONS, AND FEDERAL RELATIONS						
			DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	
HB 213	1-25-71	2-19-71				X			
HB 214	1-25-71	2-19-71				X			
HB 215	1-25-71	2-19-71				X			
HB 216	1-25-71	2-19-71				X			
HB 217	1-25-71	2-19-71				X			
HB 234	2-5-71	2-19-71				X			
HB 272	2-8-71	2-17-71				X			
HB 374	2-6-71	2-19-71					X		
HB 394	2-6-71	2-17-71				X			
HB 395	2-8-71	2-17-71				X			
HB 396	2-8-71	2-17-71				X			
HB 397	2-12-71	2-17-71				X			
HB 398	2-13-71	2-17-71				X			
HB 399	2-8-71	2-17-71					X		
HB 410	2-12-71	2-22-71				X			
HB 453	2-12-71	2-19-71					X		
HB 475	2-12-71	2-17-71					X		
HB 520	2-10-71	2-17-71				X			
HB 596	2-12-71	2-17-71				X			
SR 20	2-18-71	2-28-71	BE NOT ADOPTED						
SR 14	2- -71	2-19-71	AS AMENDED BE ADOPTED						
HB 397	2-19-70	2-22-71				X			

HB 475

Mr. Misner, in place of Representative Cox, mentioned that this Bill was based on the Supreme Court decisions.

Senator Moore moved that HB 475 be amended, seconded by Senator Lynch, as follows: "Amend Section 2, Subsection (1)(a), page 3, lines 3 and 4 of the original bill being section 2, subsection (1)(a), page 3, lines 3 and 4 of the approved committee bill by striking the following words, figures, and punctuation "nineteen (19) years of age; or older" and inserting in lieu thereof the following words "of the minimum age for voting provided by the Constitution of the state of Montana"

Senator Lynch, seconded by Senator Northey, moved that HB 475 be amended as follows: "AND FURTHER AMEND: Section 3, page 3, line 27 of the original bill being section 3, page 3, line 27 of the approved committee bill following the word "by" by omitting the following words and figures "article IX of"

HB 475

Senator Lynch, seconded by Senator Moore, moved that HB 475 BE CONCURRED IN AS AMENDED, motion carried.

HB 272

Senator Moore motioned that HB 272 BE CONCURRED IN, seconded by Senator Lyon, motion carried.

HB 394, 395, and 396

Senator Northey motioned that HB's 394, 395, and 396 BE CONCURRED IN, seconded by Senator Lyon, motion carried.

HB 397, 398

Senator Lyon motioned that HB 397 and 398 BE CONCURRED IN, seconded by Senator Northey, motioned carried.

HB 520

Senator Lyon motioned that HB 520 BE CONCURRED IN, seconded by Senator Lynch, motion carried.

HB 596

Senator Northey motioned that HB 596 BE CONCURRED IN, seconded by Senator Lyon, motion carried.

HB 399

Senator Lynch moved to amend HB 399 as follows: Section 5, page 5, line 20 after the word "county" by inserting the words "or district" and further amend Section 5, page 5, line 21 after the word "committees" by inserting the words "of the county or district"

missioners shall give notice of such sale by publication in a newspaper published in the county wherein such real estate or any part thereof is situated once a week for two (2) weeks, making in all two (2) publications, the last publication to be at least twenty (20) days prior to the date of such sale. Such notice shall give the time and place of such sale and contain a description of the real property to be sold. All expenses of such sale shall be deducted by the state board of land commissioners from the proceeds thereof and the balance of such proceeds shall be turned over to the state treasurer who shall deposit the same in the agency fund of the state of Montana. *The board of land commissioners shall provide the state board of equalization with a statement indicating the sale price, expenses and net proceeds resulting from each such sale.*"

Expenses.

Deposit of monies.

Statement of sale.

Amending clause.

Unclaimed personal property in hands of agent.

Sale.

Proceeds paid to state board.

Deposit.

Amending clause.

Conditions of sales —public auction mandatory.

Amending clause.

Delivery of monies to state board.

Section 5. Section 91-507, R.C.M., 1947, is amended to read as follows:

"91-507. **Unclaimed personal property in hands of agent — disposal.** Whenever the personal property in an estate remains in the hands of an agent, unclaimed for two (2) years and it appears to the court or judge that it is for the best interests of the estate and those interested therein, such property shall be sold under the order of the court or judge and the proceeds, after deducting the expense of the sale allowed by the court or judge, must be paid to the state board of equalization for deposit into the state treasury, and upon receipt of such proceeds it shall be the duty of the state treasurer to deposit the same in the agency fund of the state of Montana."

Section 6. Section 91-508, R.C.M., 1947, is amended to read as follows:

"91-508. **Sales by state board of equalization, how conducted.** All hereinbefore mentioned sales by the state board of equalization must be at public auction at the board's office. Said sales must be for cash and shall be made to the highest bidder, provided, however, that the board may reject all bids which are disproportionate to the value of the property being sold."

Section 7. Section 91-523, R.C.M., 1947, is amended to read as follows:

"91-523. **Disposition of money.** All money, including that realized from the sale or sales of property delivered

to the county by an executor or administrator, under the provisions of this act shall, immediately upon its receipt by the county treasurer be delivered to the state board of equalization which shall immediately deliver same to the state treasurer and by him deposited in the agency fund of the state of Montana." Deposit.

Approved March 1, 1971

CHAPTER NO. 157

An Act Accepting the Cession of Concurrent Jurisdiction With the United States Over the Real Property Comprising the Veterans' Administration Center, Fort Harrison, Montana; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state of Montana hereby accepts the cession of concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Montana as ceded by Public Law 91-45; 83 Stat. 48, which was approved July 19, 1969, and made effective upon acceptance of the cession by the state of Montana.

State accepts concurrent jurisdiction of Fort Harrison property.

Section 2. This act is effective on its passage and approval.

Effective immediately.

Approved March 1, 1971

CHAPTER NO. 158

An Act Relating to Elections Upon Questions Which Concern or May Concern the Creation of a Public Debt or Liability and the Qualifications of Persons Petitioning for and Voting at Such Elections: Amending Sections 1-804, 23-2701, 23-2702, 23-2703, 23-3012, 23-4201, 11-2217, 11-2271, 11-2275, 11-2306, 11-2310, 11-2404, 11-3906, 16-2021, 16-2022, 16-2026 and 93-2612, R.C.M. 1947; Prescribing a Period of Limitation Upon Actions and Defenses Raising an Issue as to Such Qualifications; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Declaration.

Section 1. **Legislative policy and purpose.** Section 2 of article IX of the Montana constitution provides that in order to entitle a person to vote upon a question which may be submitted to a vote of the people or electors, if the question concerns the creation of any levy, debt or liability, he must, in addition to possessing other qualifications, be a taxpayer whose name appears on the last preceding completed assessment roll. Recent decisions of the supreme court of the United States hold that similar provisions in the constitutions and statutes of other states are in conflict with the equal protection clause of the fourteenth amendment to the constitution of the United States. The ability of the state and of its counties, cities, towns and school districts and other political subdivisions to provide funds needed for essential governmental purposes depends in substantial part upon their ability to create valid debts and liabilities and, when the same are required by law or the constitution to be submitted to a vote of the people or electors, to record and canvass such vote in such manner as to determine finally and conclusively whether or not the debt or liability has been approved by the required majority vote of the electors qualified and offering to vote thereon. It is therefore the policy and purpose of this law to eliminate all statutory electors' qualifications for voting on the creation of any public debt or liability except such qualifications as are validly by or pursuant to the Montana constitution; to provide an adequate procedure for hearing and determination of any issue raised with reference to such qualifications; and to limit to a reasonable time the period within which such issues may be raised.

Purpose of act.

Amending clause.

Section 2. Section 23-2701, R.C.M. 1947, is amended to read as follows:

Voter qualifications.

"23-2701. **Qualifications of voter.** (1) No person may be entitled to vote at general and special elections for officers which are elective, and upon questions submitted to the vote of the people unless he has the following qualifications:

Registration.

(a) He must be registered as required by law;

Age.

(b) He must be of the minimum age for voting provided by the Constitution of the state of Montana;

(c) He must have resided in the state one (1) year and in the county thirty (30) days immediately preceding the election at which he offers to vote;

Residency.

(d) He must be a citizen of the United States.

Citizen.

(2) No person convicted of a felony has the right to vote unless he has been pardoned.

Felon cannot vote.

(3) No person adjudicated insane has the right to vote unless he has been restored to capacity as provided by law."

Insane cannot vote.

Section 3. Section 23-2702, R.C.M. 1947, is amended to read as follows:

Amending clause.

"23-2702. **Elector qualifications for creation of debt or liability.** Every person possessing the qualifications validly required by section 23-2701 and by the Constitution is entitled to vote at any election of the state and of any county, city, town, school district and other political subdivision upon creation of a public debt or liability."

Voter qualifications for creation of debt.

Section 4. Section 23-2703, R.C.M. 1947, is amended to read as follows:

Amending clause.

"23-2703. **Elector who is registered in one county and listed on assessment roll of another county entitled to vote in precinct where registered — receipt — certificate — registrar's duties.** (1) If at any election the right to vote is limited to taxpayers upon property, an elector who is registered in a county where his name does not appear on the last completed assessment roll but whose name does appear on the last completed assessment roll of another county, is entitled to vote in the precinct in which he is registered if he presents to the registrar of the county in which he is registered before close of registration:

Elector entitled to vote in precinct where registered.

(a) A receipt from the treasurer of the county in which he appears on the last assessment roll showing payment of the taxes, or,

(b) A certificate from the treasurer of that county certifying that he is assessed with property, but that the taxes have not yet been paid.

Evidence of assessment in another county.

(2) The certificate must be dated, numbered, name the elector, describe the property assessed, show the amount of taxes, and be signed by the county treasurer. The treasurer must keep a duplicate on file.

Duty of registrar.

(3) Whenever a certificate or receipt from the county treasurer is presented, the registrar shall:

(a) Enter the elector's name in the pollbook of electors entitled to vote on the question;

(b) Enter in the pollbook the date and number of the tax receipt or certificate and the county in which issued.

Amending clause.

Section 5. Section 23-3012, R.C.M. 1947, is amended to read as follows:

Duty of registrar to prepare lists of electors.

"23-3012. Lists of registered electors — precinct register — indication of taxpayer electors. (1) Immediately after registration is closed, the registrar shall prepare lists of all registered electors. He shall also prepare a precinct register for each precinct and deliver it to the judges of election prior to the opening of the polls.

"Taxpayer" stamp required.

(2) The registrar shall stamp "taxpayer" beside the name of an elector who is a taxpayer to show he is qualified to vote in an election *at which voting is validly limited by the constitution to taxpayers.*"

Amending clause.

Section 6. Section 23-4201, R.C.M. 1947, is amended to read as follows:

Elector may contest bond election for cause.

"23-4201. Grounds for challenge (1) Any elector qualified to vote in a bond election of a county, city, or of any political subdivision of either may contest a bond election, for any of the following causes:

(a) That the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election;

(b) That any official charged with a duty under this act, failed to perform that duty;

(c) That in conducting the election, any official charged with a duty under this act, violated any of the provisions of this act relating to bond elections;

(d) *That electors qualified to vote in the election under the provisions of the constitutions of Montana and the United States were not given opportunity to vote in the election;*

(e) *That electors not qualified to vote in the election under the provisions of the constitutions of Montana and the United States were permitted to vote in the election."*

(2) Within *sixty (60)* days after the election, the contestant shall file a verified petition with the clerk of the court in the judicial district where the election was held."

Within 60 days.

Section 7. Section 11-2217, R.C.M. 1947, is amended to read as follows:

Amending clause.

"11-2217. Cities and towns may establish sewage treatment and disposal plant systems and water supply and distribution systems. Any city or town may when authorized so to do by a majority vote of the qualified electors voting on the question establish, build, construct, reconstruct and/or extend a storm and/or sanitary sewerage system and/or a plant or plants for treatment or disposal of sewage therefrom, or a water supply and/or distribution system, or any combinations of such systems, and may operate and maintain such facilities for public use, and in addition to all other powers granted to it, such municipality shall have authority, by ordinance duly adopted by the governing body to charge just and equitable rates, charges or rentals for the services and benefits directly or indirectly furnished thereby. Such rates, charges or rentals shall be as nearly as possible equitable in proportion to the services and benefits rendered, and sewer charges may take into consideration the quantity of sewage produced and its concentration and water pollution qualities in general and the cost of disposal of sewage and storm waters. The sewer charges may be fixed on the basis of water consumption or any other equitable basis the governing body may deem appropriate and, if the governing body determines that the sewage treatment and/or storm water disposal prevents pollution of sources of water supply, may be established as a surcharge on the water bills of water consumers or on any other equitable basis of measuring the use and benefits of such facilities and services. In the event of nonpayment of charges for either water or sewer service and benefits to any premises, the governing body may direct the supply of water to such premises to be discontinued until such charges are paid.

City or town may establish sewage and water systems.

Service rates.
Determination.

Penalty for nonpayment.

In this act "qualified electors" shall mean registered electors of the municipality. The question of building, constructing, reconstructing or extending the system, plant or plants and the question of issuing and selling revenue bonds for such purpose may be submitted as a

"Qualified electors" defined.

Election.	single proposition or as separate propositions. Any election under this act may be called by a resolution of the governing body which it may adopt without being previously petitioned to do so."
Amending clause.	Section 8. Section 11-2275, R.C.M. 1947, is amended to read as follows:
Supplemental revolving fund authorized.	"11-2275. Creation and maintenance of fund. A supplemental revolving fund may be created by ordinance subject to the approval of a majority of the qualified electors voting upon the question at a general or special election. As used in this act "qualified electors" shall mean registered electors of the municipality. The supplemental revolving fund shall be created and maintained solely from the net revenues of parking meters and the ordinance may pledge to said fund all or any part of the said net revenues of parking meters which may be then owned or leased or rented or thereafter acquired by the city or town. Said ordinance shall contain such provisions in respect to the purchase, control, operation, repair and maintenance of parking meters, including rates to be charged, and the application of the net revenues therefrom and the management and use of the supplemental revolving fund as the council shall deem necessary."
"Qualified electors" defined.	
Net revenues from parking meters.	
Ordinance provisions.	
Amending clause.	Section 9. Section 11-2306, R.C.M. 1947 is amended to read as follows:
Election required for bond issue by city or town.	"11-2306. Petition for election — form — proof. No bonds shall be issued by a city or town for any purpose, except to fund or refund warrants or bonds issued prior to and outstanding on July first, 1942, as authorized in section 11-2301, unless authorized at a duly called special or general election at which the question of issuing such bonds was submitted to the qualified electors of the city or town, and approved, as hereinafter provided, and no such election shall be called unless there has been presented to the city or town council a petition, asking that such election be held and question submitted, signed by not less than twenty per centum (20%) of the qualified electors of the city or town. Every petition for the calling of an election to vote upon the question of issuing bonds shall plainly and clearly state the purpose or purposes for which it is proposed to issue such bonds, and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may
Petition.	
20% of electors.	

be a separate petition for each purpose, or two (2) or more purposes may be combined in one (1) petition, if each purpose with an estimate of the amount of bonds to be issued therefor is separately stated in such petition. Such petition may consist of one (1) sheet, or of several sheets identical in form and fastened together, after being circulated and signed, so as to form a single complete petition before being delivered to the city or town clerk, as hereinafter provided. The petition shall give the street and house number, if any, and the voting precinct of each person signing the same.

Only persons who are qualified to sign such petitions shall be qualified to circulate the same, and there shall be attached to the completed petition the affidavit of some person who circulated, or assisted in circulating, such petition, that he believes the signatures thereon are genuine and that the signers knew the contents thereof before signing the same. The completed petition shall be filed with the city or town clerk who shall, within fifteen (15) days thereafter, carefully examine the same and the county records showing the qualifications of the petitioners, and attach thereto a certificate, under his official signature, which shall set forth:

Only qualified signers may circulate petition—affidavit.

Filing procedure.

Clerk's certificate.

(1) The total number of persons who are registered electors.

(2) Which, and how many of the persons whose names are subscribed to such petition, are possessed of all of the qualifications required of signers to such petition.

(3) Whether such qualified signers constitute more or less than twenty per centum (20%) of the registered electors of the city or town."

Section 10. Section 11-2310, R.C.M. 1947, is amended to read as follows:

Amending clause.

"11-2310. **Registration of electors.** Upon the adoption of the resolution calling for the election the city or town clerk shall notify the county clerk of the date on which the election is to be held and the county clerk must cause to be published in the official newspaper of the city or town, if there be one, and if not in a newspaper circulated generally in the said city or town and published in the county where the said city or town

Notice to county clerk.

Publication.

Notice of closing registration for bond election.

is located, a notice signed by the county clerk stating that registration for such bond election will close at noon on the fifteenth (15th) day prior to the date for holding such election and at that time the registration books shall be closed for such election. Such notice must be published at least five (5) days prior to the date when such election books shall be closed.

County clerk shall prepare lists of electors.

After the closing of the registration books for such election the county clerk shall promptly prepare lists of the qualified electors of such city or town who are entitled to vote at such election and shall prepare precinct registers for such election as provided in section 23-3012 and deliver the same to the city or town clerk who shall deliver the same to the judges of election prior to the opening of the polls. It shall not be necessary to publish or post such lists of qualified electors."

Precinct registers.

Delivery to judges of election.

Amending clause.

Section 11. Section 11-2404, R.C.M. 1947, is amended to read as follows:

Authority for municipal undertaking.

"11-2404. **Authorization of undertaking — form and contents of bonds.** The acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this chapter, and bonds may be authorized to be issued under this chapter by resolution or resolutions of the governing body of the municipality, when authorized by a majority of the *qualified electors* voting upon such question at a special election noticed and conducted as provided in sections 11-2308 to 11-2310, inclusive, and said special election shall be held not later than the next municipal election held after the council or governing body of the municipality has by resolution or resolutions approved the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking as in this chapter provided and ordered said special election; provided, that the issuance of refunding revenue bonds may be authorized by resolution or resolutions of the governing body of the municipality without an election.

Bonds.

Resolutions.

Majority vote.

Special election.

Exception—refund revenue bonds.

Bonds—maximum interest rate 6%.

Form.

40 year limitation.

Said bonds shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, payable semi-annually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, may

be payable in such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said bonds shall be sold at not less than par. Said bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof. Unless sold to the United States of America or agency, instrumentality or corporation thereof, said bonds shall be sold at public sale after notice of such sale published once at least five (5) days prior to such sale in a newspaper circulating in the municipality and in a financial newspaper published in the city of New York, New York, or the city of Chicago, Illinois, or the city of San Francisco, California, except that, in the event the bond issue is in an amount of less than one hundred fifty thousand dollars (\$150,000), the bond issue shall be advertised at least five (5) days prior to such sale in daily newspapers circulating in Montana cities of 10,000 population or over, in lieu of advertising in a financial newspaper in New York, Chicago, or San Francisco, and also in a newspaper as specified in section 16-1201 if that newspaper is different from the daily newspapers circulating in Montana cities of 10,000 population or over. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this chapter. Said bonds and interim receipts or certificates shall be fully negotiable, as provided by the Uniform Commercial Code — Investment Securities."

Private sale.

Public sale—publication of notice.

Amount less than \$150,000.

Interim receipts.

Negotiability.

Section 12. Section 16-2021, R.C.M. 1947, is amended to read as follows:

Amending clause.

"16-2021. **Petition and election required for bonds issued for other purposes.** County bonds for any other purpose than those enumerated in section 16-2013 shall not be issued unless authorized at a duly called special or general election at which the question of issuing such bonds was submitted to the qualified electors of the county and approved, as provided in section 16-2027; and no such bond election shall be called unless there has been presented to the board of county commissioners

Election required for county bonds.

Petition. a petition, asking that such election be held and such question be submitted, signed by not less than twenty
 20% of electors. per centum (20%) of the qualified electors of the county."

Amending clause. Section 13. Section 16-2022, R.C.M. 1947, is amended to read as follows:

Form of petition. "16-2022. **Form, contents and proof of petition.** Every petition for the calling of an election to vote upon the question of issuing county bonds shall plainly and clearly state the purpose or purposes for which the proposed bonds are to be issued, and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may be a separate petition for each purpose, or two (2) or more purposes may be combined in one (1) if each purpose, with an estimate of the amount of bonds necessary to be issued therefor, is separately stated in such petition. Such petition may consist of one (1) sheet, or of several sheets identical in form and fastened together after being circulated and signed so as to form a single complete petition before being delivered to the county clerk as hereinafter provided. The petition shall give the post-office address and voting precinct of each person signing the same.

Only qualified signers may circulate petition—affidavit. Only persons who are qualified to sign such petitions shall be qualified to circulate the same, and there shall be attached to the completed petition the affidavit of some person who circulated, or assisted in circulating such petition, that he believes the signatures thereon are genuine and that the signers knew the contents thereof before signing the same. The completed petition shall be filed with the county clerk who shall, within fifteen (15) days thereafter, carefully examine the same and the county records showing the qualifications of the petitioners, and attach thereto a certificate under his official signature and the seal of his office, which certificate shall set forth:

County clerk's certificate.

(1) The total number of persons who are registered electors.

(2) Which and how many of the persons whose names are subscribed to such petition are possessed of all of the qualifications required of signers to such petition.

(3) Whether such qualified signers constitute more

or less than twenty per centum (20%) of the registered electors of the county."

Section 14. Section 16-2026, R.C.M. 1947, is amended to read as follows: Amending clause.

"16-2026. **Registration.** Upon the adoption of the resolution calling for the election, the county clerk must cause to be published in the official newspaper of the county a notice, signed by him, stating that registration for such bond election will close at noon on the fifteenth day prior to the date for holding such election and at that time the registration books shall be closed for such election. Such notice must be published at least ten (10) days prior to the day when such registration books will be closed.

County clerk shall publish notice of closing of registration.

After the closing of the registration books for such election the county clerk shall promptly prepare lists of the registered electors of such voting precinct who are entitled to vote at such election, and shall prepare precinct registers for such election, as provided in section 23-3012, and deliver the same to the judges of election prior to the opening of the polls. It shall not be necessary to publish or post such list of qualified electors."

County clerk shall prepare lists.

Precinct registers.

Delivery to judges of election.

Section 15. Section 93-2612, R.C.M. 1947, is amended to read as follows: Amending clause.

"93-2612. **Actions relating to bond issues, time for bringing.** No action can be brought for the purpose of restraining the issuance and sale of bonds or other obligations by the state of Montana or any school district, county, city, town, or political subdivision of the state, or for the purpose of restraining the levy and collection of taxes for the payment of such bonds or other obligations, after the expiration of sixty (60) days from the date of the election on such bonds or obligations or, if no election was held thereon, after the expiration of sixty (60) days from the date of the order, resolution or ordinance authorizing the issuance thereof, on account of any defect, irregularity, or informality in giving notice of or not holding the election; nor shall any defense based upon any such defect, irregularity, or informality be interposed in any action unless brought within this period. This section applies but is not limited to any action and defense in which the issue is raised whether a voted debt or liability

Action to restrain bond issues must be brought within 60 days.

has carried by the required majority vote of the electors qualified and offering to vote thereon."

Amending clause. Section 16. Section 1-804, R.C.M. 1947, is amended to read as follows:

Tax levy authorized for airports. "1-804. **Tax levy for establishment and operation of airports.** For the purpose of establishing, constructing, equipping, maintaining and operating airports and landing fields under the provisions of this act the county commissioners or the city or town council may each year assess and levy in addition to the annual levy for general administrative purposes, a tax of not to exceed two (2) mills on the dollar of taxable value of the property of said county, city or town. In the event of a jointly established airport or landing field, the county commissioners and the council or councils involved shall determine in advance the levy necessary for such purposes and the proportion each political subdivision joining in the venture shall pay, based upon the benefits it is determined each shall derive from the project. Provided, that if it be found that the levy hereby authorized will be insufficient for the purposes herein enumerated, the commissioners and councils acting are hereby authorized and empowered to contract an indebtedness on behalf of such county, city or town, as the case may be, upon the credit thereof by borrowing money or issuing bonds for such purposes, provided that no money may be borrowed and no bonds may be issued for such purpose until the proposition has been submitted to the *qualified electors*, and a majority vote to be cast therefor, except that for the purpose of establishing a reserve fund to resurface, overlay, or improve existing runways, taxiways and ramps, said governing bodies may set up annual reserve funds in their annual budget, provided said reserve is approved by the governing bodies during the normal budgeting procedure. Provided further that the necessity to resurface or improve said runways by overlays or similar methods every so many years is based upon competent engineering estimates, and provided that said funds are expended at least within each ten (10) year period. Said fund shall not exceed at any time a competent engineering estimate of the cost of resurfacing or overlaying the existing runways, taxiways and ramps, of any one airport for each said fund. The governing body of said airport if in its judgment deems it advan-

Determination of levy.

Authority to contract indebtedness.

Borrow money—issue bonds.

Election.

Majority vote.

Reserve funds.

Annual budget.

Conditions.

Limitations on amount.

tageous, may invest the fund in any interest-bearing deposits in a state or national bank insured by the F.D.I.C. or obligations of the United State of America, either short-term or long-term. Interest earned from such investments shall be credited to the operations and maintenance budget of said airport governing body. The above provisions, notwithstanding other budget control measures, and due to the uniqueness of the subject matter, and are hereby declared necessary in the interests of the public health and safety."

Section 17. Section 11-2271, R.C.M. 1947, is amended to read as follows:

"11-2271. **Loans from revolving fund for paying improvement district warrants — authorization by electors.**

(1) Whenever any special improvement district bond or warrant, or any interest thereon, shall be, at the time of the passage of this act, or shall thereafter become due and payable, and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the council, be loaned by the revolving fund to such district fund, and thereupon such bond or warrant or such interest thereon, or in case of such bonds or warrants due at the time of the passage of this act, such part of the amount due on such bond or warrant, whether it be for principal or for interest or for both as the council may in its discretion elect or determine shall be paid from the money so loaned or from the money so loaned when added to such insufficient amount, as the case may require.

(2) In connection with any public offering of special improvement district bonds or warrants, the city or town council may undertake and agree to issue orders annually authorizing loans or advances from the revolving fund to the district fund involved in amounts sufficient to make good any deficiency in the bond and interest accounts thereof to the extent that funds are available, and may further undertake and agree to provide funds for such revolving fund pursuant to the provisions of section 11-2270 by annually making such tax levy (or, in lieu thereof, such loan from the general fund) as the city or town council may so agree to and undertake, subject to the maximum limitations imposed by said section 11-2270, which said undertakings and agreements shall be

Investment.

Interest deposit.

Amending clause.

Loans from revolving fund authorized to pay special improvement district bonds.

Council may issue orders to make good any deficiencies in bond and interest accounts.

Tax levy.

binding upon said city or town so long as any of said special improvement district bonds or warrants so offered, or any interest thereon, remain unpaid."

Amending clause.

Section 18. Section 11-3906, R.C.M. 1947, is amended to read as follows:

Determinations required for urban renewal projects.

"11-3906. **Preparation and approval of urban renewal projects and urban renewal plans.** (a) A municipality shall not approve an urban renewal project for an urban renewal area unless the local governing body has, by resolution, determined such area to be a blighted area and designated such area as appropriate for an urban renewal project. The local governing body shall not approve an urban renewal plan until a comprehensive plan or parts of such plan for an area which would include an urban renewal area for the municipality have been prepared. For this purpose, and other municipal purposes, authority is hereby vested in every municipality to prepare, to adopt, and to revise from time to time, a comprehensive plan or parts thereof for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor. A municipality shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal project plan in accordance with subsection (d) hereof.

Plan.

Municipal authority for development.

Planning commission.

Procedure for urban renewal plan.

Review and recommendations.

60 days.

(b) The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to the municipality. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality for review and recommendations as to its conformity with the comprehensive plan or parts thereof for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty (60) days after receipt of it. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said sixty (60) days, then without such recommendations, the local governing body may proceed with the

hearing on the proposed urban renewal project plan prescribed by subsection (c) hereof.

(c) The local governing body shall hold a public hearing on an urban renewal plan after public notice thereof. Such notice shall be given by publication once each week for two consecutive weeks not less than ten (10) nor more than thirty (30) days prior to the date of the hearing in a newspaper having a general circulation in the urban renewal area of the municipality and by mailing a notice of such hearing not less than ten (10) days prior to the date of the hearing to the persons whose names appear on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown on the tax roll. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area affected, and shall outline the general scope of the urban renewal plan under consideration.

Public hearing.

Publication of notice.

Mailing of notice.

Requirement of notice.

(d) Following such hearing, the local governing body may approve an urban renewal project if it finds that (1) a workable and feasible plan exists for making available adequate housing for the persons who may be displaced by the project; (2) the urban renewal plan conforms to the comprehensive plan or parts thereof for the municipality as a whole; (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and (4) that a sound and adequate financial program exists for the financing of said project.

Findings—approval.

Provided, that the local governing body must find the urban renewal project area to be blighted area as defined in section 11-3901.

Blighted area.

(e) An urban renewal project plan may be modified at any time by the local governing body: Provided, that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest may be entitled to assert.

Modification.

(f) Upon the approval of an urban renewal project by a municipality, the provisions of the urban renewal

Effect of approval.

plan with respect to the future use and building requirements applicable to the property covered by said plan shall be controlling with respect thereto.

Election required for financing.

(g) If the plan or any subsequent modification thereof involves financing by the issuance of general obligation bonds of the municipality as authorized in section 11-3913, subsection (c), or the financing of water or sewer improvements by the issuance of revenue bonds under the provisions of Title 11, chapter 24, or of sections 11-2217 to 11-2221, inclusive, the question of approving the plan and issuing such bonds shall be submitted to a vote of the *qualified electors* of such municipality in accordance with the provisions of sections 11-2303 to 11-2310, inclusive, at the same election and shall be approved by a majority of those *qualified electors* voting on such question. Aiding in the planning, undertaking or carrying out of an urban renewal project approved in accordance with this section shall be deemed a single purpose for the issuance of general obligation bonds, and the proceeds of such bonds authorized for any such project may be used to finance the exercise of any and all powers conferred upon the municipality by section 11-3907 which are necessary or proper to complete such project in accordance with the approved plan and any modification thereof duly adopted by the local governing body. Sections 11-2306 and 11-2307 shall not be applicable to the issuance of such bonds.

Majority vote.

General obligation bonds.

Urban renewal on yearly basis.

(h) The municipality may elect to undertake and carry out urban renewal activities on a yearly basis. In such event, the activities shall be included in the yearly budget of the municipality. Such activities need not be limited to contiguous areas; however, such activities shall be confined to the areas as outlined in the urban renewal plan as approved by the municipality in accordance with this act. The yearly activities shall constitute a part of the urban renewal plan and the municipality may elect to undertake certain yearly activities and total urban renewal projects simultaneously. The undertaking of urban renewal activities on a yearly basis shall be designated as a "neighborhood development program" and the financing of such activities shall be approved in accordance with section 11-3906, subsection (g)."

"Neighborhood development program."

Effective immediately.

Section 19. This act shall become effective upon its passage and approval.

Approved March 1, 1971

CHAPTER NO. 159

An Act to Submit to the Qualified Electors of Montana an Amendment to Section 2, Article IX of the Constitution of Montana Changing the Legal Voting Age to Eighteen (18) Years of Age, Changing the Period of Residence to Thirty (30) Days and Deleting the Requirement that a Voter be a Taxpayer on Certain Issues, and to Remove Obsolete Language.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 2, article IX of the constitution of the state of Montana is amended to read as follows:

"Section 2. Every person of the age of *eighteen (18)* years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people, and, except as hereinafter provided, upon all questions which may be submitted to the vote of the people or electors: First, he shall be a citizen of the United States; second, he shall have resided in this state *thirty (30) days* immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law. Provided that no person convicted of felony shall have the right to vote unless he has been pardoned or restored to citizenship by the governor."

Amendment of Section 2, Article IX of constitution of Montana.

Voter shall be 18 years of age or older.

Other qualifications.

Section 3. When this amendment is submitted to the electors of the state of Montana there shall be printed on the ballot the full title and section 1 of this act and the following words:

Voting.
Form of ballot.

☐ For the above amendment.

☐ Against the above amendment."

Approved March 3, 1971

CHAPTER NO. 160

An Act Amending the Store License Laws by Deleting the Provision that All Stores May Be Listed on One Application Blank, by Providing that All Store Licenses Shall Lapse December 31 of Each Calendar Year, and by